



UTAH DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE STATE FIRE MARSHAL



DISCLOSURE AND AGREEMENT

(Note: Pursuant to Utah Code Ann. Subsection 63-2-206(5), the Department may release its nonpublic records to another governmental entity only upon disclosure of certain information and the recipient's written agreement on restrictions.)

The records of the State Fire Marshal's Office have been classified and therefore are under certain restrictions with respect to disclosure.

The classification for records involving **juveniles** is as follows:

**A. If the record is related to an arson fire, then the record is classified as defined below:**

The record is classified as **protected**, pursuant to Section 63-2-304. Access is restricted, pursuant to 63-2-202 (4), to: (a) the person who submitted the record; (b) any other individual who; (i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interest were sought to be protected by the protected classification; or (ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interest were sought to be protected by the classification or from their legal representatives dated no more than 90 days prior to the date the request is made; or any person whom the record must be provided pursuant to a court order.

**B. If the record is related to an accidental fire, then the name of the juvenile is classified as defined below:**

The record is classified as **private**, pursuant to the Utah Code Ann. Section 63-2-302. Access is restricted, pursuant to Section 63-2-202 (1), to: (a) the subject of the record; (b) the parent or legal guardian of an unemancipated minor who is the subject of the record; (c) the legal guardian of a legally incapacitated individual who is the subject of the record; (d) any other individual who has a power of attorney from the subject of the record or submits a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made; or (e) any person who has a court order signed by a judge.

I hereby certify that this agency and its employees and agents will abide by the restrictions on access set forth unless a statute, federal regulation, or interstate agreement otherwise governs the sharing of the record or record series.

Date: \_\_\_\_\_

Name of Requesting Government Entity: \_\_\_\_\_

Chief Signature: \_\_\_\_\_

Names and titles of individuals information may be released to:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Sharing Records Under Government Records Access Management Act

### 63-2-206. Sharing records.

- (1) A governmental entity may provide a record that is private, controlled, or protected to another governmental entity, a government-managed corporation, a political subdivision, the federal government, or another state if the requesting entity:
  - (a) serves as a repository or archives for purposes of historical preservation, administrative maintenance, or destruction;
  - (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the record is necessary to a proceeding or investigation;
  - (c) is authorized by state statute to conduct an audit and the record is needed for that purpose; or
  - (d) is one that collects information for pre-sentence, probationary, or parole purposes.
- (2) A governmental entity may provide a private or controlled record or record series to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity provides written assurance:
  - (a) that the record or record series is necessary to the performance of the governmental entity's duties and functions;
  - (b) that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and
  - (c) that the use of the record or record series produces a public benefit that outweighs the individual privacy right that protects the record or record series.
- (3) A governmental entity may provide a record or record series that is protected under Subsection 63-2-304(1) or (2) to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if:
  - (a) the record is necessary to the performance of the requesting entity's duties and functions; or
  - (b) the record will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained.
- (4) (a) A governmental entity shall provide a private, controlled, or protected record to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:
  - (i) is entitled by law to inspect the record; or
  - (ii) is required to inspect the record as a condition of participating in a state or federal program or for receiving state or federal funds; or
  - (iii) is an entity described in subsection 63-2-206(1)(a), (b), (c), or (d).(b) subsection (4)(a)(iii) applies only if the record is a record described in subsection 63-2-304(4).
- (5) Before disclosing a record or record series under this section to another governmental entity, another state, the United States, or a foreign government, the originating governmental entity shall:
  - (a) inform the recipient of the record's classification and the accompanying restrictions on access; and
  - (b) if the recipient is not a governmental entity to which this chapter applies, obtain the recipient's written agreement which may be by mechanical or electronic transmission that it will abide by those restrictions on access unless a statute, federal regulation, or interstate agreement otherwise governs the sharing of the record or record series.
- (6) A governmental entity may disclose a record to another state, the United States, or a foreign government for the reasons listed in Subsections (1), (2), and (3) without complying with the procedures of Subsection (2) or (5) if disclosure is authorized by executive agreement, treaty, federal statute, compact, federal regulation, or state statute.
- (7) A governmental entity receiving a record under this section is subject to the same restrictions on disclosure of the material as the originating entity.
- (8) Notwithstanding any other provision of this section, if a more specific court rule or order, state statute, federal statute, or federal regulation prohibits or requires sharing information, that rule, order, statute, or federal regulation controls.
- (9) The following records may not be shared under this section:
  - (a) records held by the State Tax Commission that pertain to any person and that are gathered under authority of Title 59, Revenue and Taxation;
  - (b) records held by the Division of Oil, Gas and Mining that pertain to any person and that are gathered under authority of Title 40, Chapter 6, Board and Division of Oil, Gas and Mining; and
  - (c) records of publicly funded libraries as described in Subsection 63-2-302(1)(c).
- (10) Records that may evidence or relate to a violation of law may be disclosed to a government prosecutor, peace officer, or auditor.